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Letter dated 28 December 2007 from the Permanent Representative of Slovakia to the United Nations addressed to the President of the Security Council

As you are aware, in February 2007, during its presidency of the Security Council, Slovakia initiated an open debate on the "Maintenance of international peace and security: role of the Security Council in supporting security sector reform", which was held on 20 February 2007. At that meeting, the Security Council adopted a presidential statement (S/PRST/2007/3), in which the Council acknowledged, inter alia, the contribution that non-United Nations actors, in particular regional, subregional and other intergovernmental organizations, can bring in supporting nationally-led security sector reform programmes.

The Organization for Security and Cooperation in Europe (OSCE) is undoubtedly among the major regional and subregional partners of the United Nations, including in the area of security sector reform. Consistent with Chapter VIII of the Charter of the United Nations and in the interest of complementing the evolving discussion on the United Nations role in security sector reform, OSCE has recently prepared and issued a document entitled "Chairmanship's perception paper on basic norms and principles of the Organization for Security and Cooperation in Europe in the field of security sector governance/reform".

Please find attached the above-mentioned OSCE document (see annex), which I believe is a very useful contribution to the ongoing discussion on security sector reform within the United Nations.

I should be grateful if you would have the present letter and its annex circulated among the members of the Security Council and issued as a document of the Security Council.

(*Signed*) Peter **Burian**
Ambassador Extraordinary and Plenipotentiary
Permanent Representative

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Annex to the letter dated 28 December 2007 from the Permanent Representative of Slovakia to the United Nations addressed to the President of the Security Council

Chairmanship's perception paper on the basic norms and principles of the Organization for Security and Cooperation in Europe in the field of security sector governance/reform

Based on the OSCE's concept of comprehensive and indivisible security seen from a cross-dimensional perspective,

Reflecting the acknowledgment by the UN Security Council of the contribution of regional intergovernmental organizations to security sector governance/reform (Statement by the President of the Security Council, S/PRST/2007/3*),

Emphasizing the OSCE's role as a regional organization under Chapter VIII of the UN Charter, complementing the evolving discussion on the UN's role in security sector reform,

Reaffirming all the previously agreed OSCE commitments to address common security concerns of participating States,

Recalling the valuable normative contribution made so far by the OSCE in the area of security sector reform/governance through the provisions of the Helsinki Final Act (1975), the Charter of Paris for a New Europe (1990) and the Charter for European Security (1999), the Copenhagen and Moscow Documents on the Human Dimension (1990–1991), the Code of Conduct on Politico-Military Aspects of Security (1994), the Vienna Document on Confidence- and Security-Building Measures (1999), the Document on Small Arms and Light Weapons (2000), the Bucharest Plan of Action for Combating Terrorism (2001), the OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century (2003) and the OSCE Border Security and Management Concept (2005),

Emphasizing that security sector reform/governance may play an essential role in a long-term process of peace-building, early warning, conflict prevention and resolution, crisis management and post-conflict rehabilitation, and thus represents an important confidence- and security-building measure,

Emphasizing further the OSCE's holistic and cross-dimensional approach to security and the CSCE/OSCE's vast experience accumulated over 30 years of existence and extensive practical involvement in security sector reform/governance, in particular in relation to activities such as democratic control of armed forces, confidence- and security-building measures, border security and management, counter-terrorism, anti-trafficking, police training and reform, anti-corruption, electoral legislation and judiciary reform and the rule of law,

Stressing the importance of issues relating to security sector reform/governance, which permeate the OSCE's three dimensional and cross-dimensional activities and which represent a major field of action crucial to the OSCE's relevance and credibility in the Eurasian area,

Confirming the participating States' commitment to promote measures consolidating the legal frameworks which govern the security sector under sustainable democratic and rule of law practices relating to the whole range of government activities,

Considering that inter-State co-operation in the overall field of security sector reform/governance contributes to addressing the threats of terrorism, organized crime, illegal migration, and the illicit trafficking in weapons, drugs and human beings, as identified in paragraph 35 of the OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century,

Confirming that the OSCE constitutes an appropriate political framework for that co-operation, and that its institutions can deliver useful services to requesting participating States, in a spirit of solidarity and partnership, also reflecting mutual interest and respect,

Considering this initiative as a contribution of the OSCE as a regional organization acknowledged by the Chapter VIII of the UN Charter to the UN–led efforts in developing the integrated UN approach towards security sector reform launched in February 2007 at the UN Security Council.

The Chairman-in-Office welcomes the elaboration of the attached OSCE basic norms and principles in the field of security sector governance/reform.

THE OSCE AND SECURITY SECTOR REFORM/GOVERNANCE: BASIC NORMS AND PRINCIPLES

1. **Introduction**

2. **Definition and normative approaches of security sector reform/governance**

3. **The OSCE's activities and norms concerning the security sector**

4. **Conclusions**

1. Introduction

In February 2007, the United Nations Security Council held an open debate on maintenance of international peace and security: role of the Security Council in supporting security sector reform. The open debate provided a timely opportunity to analyse the role of security sector reform in stabilization and reconstruction processes, linked with issues such as protection of human rights, respect for the rule of law, good governance and development.

As a result of the open debate on development of a comprehensive, coherent and co-ordinated approach by the international community, the Security Council adopted[1] the statement by its President on maintenance of international peace and security: role of the Security Council in supporting security sector reform (S/PRST/2007/3*).

The statement, *inter alia*, states that the Security Council acknowledges the contribution of regional intergovernmental organizations in supporting security sector reform. The statement is thus a call for relevant intergovernmental organizations to continue to be involved in security sector reform/governance activities.

The OSCE, as a regional organization acknowledged by Chapter VIII of the UN Charter, has been active in the field of security sector reform ever since it came into existence. Discussion within the OSCE, including the elaboration of an overview of activities related to security sector reform, is understood as a contribution by the OSCE to the UN-led efforts to develop an integrated UN approach to security sector reform.

[1] The UNSC President's statement was adopted unanimously.

2. Definition and normative approaches of security sector reform

2.1 Definition of the security sector

Since the 1990s, the lexicon of international relations has been enriched by a new concept, that of the "security sector". The concept serves to identify all actors (both military and non-military, public and private) which have the capacity to use force, as well as all the institutions which are involved in the management, oversight and delivery of security within the State. Under its broadest definition, it includes:

— Core security actors entitled to use force (armed forces, police, paramilitary forces, intelligence and security services, coast and border guards, customs authorities, etc.);

— Civil management and oversight bodies (the executive; ministries of defence, homeland security, finance and foreign affairs; national security advisory bodies; the parliament and its relevant committees, etc.);

— Justice and law enforcement institutions (the judiciary, justice ministry, prison services, etc.);

— Non-statutory security forces (private military and security companies, political party militias, private bodyguard units, etc.);

— Non-statutory civil society groups and organizations (political parties, the media, academia, NGOs including human rights organizations, etc).

2.1.1 Goals of security sector reform

Projects relating to security sector reform are undertaken to strengthen governance of the security sector, in terms of regulation, management, funding and oversight, i.e., to cope with bad governance, weak or absent enforcement capabilities, corruption and human rights violations. The aim is a security sector capable of delivering effective and legitimate security and justice functions fully consistent with the principles of democracy, good governance and the rule of law. Although there is no such thing as a universal blueprint or template, projects relating to security sector reform are expected to take into account a number of fundamental requirements:

— Respect for national ownership (context-driven projects involving the active participation of all representative segments of civil society);

— A holistic approach integrating all dimensions of security sector reform (including external and internal threats to human security) and acknowledging interlinkages with overall good governance;

— Long-term objectives, to be implemented in a sequenced and flexible way;

— Conformity with basic democratic values, internationally accepted principles, human rights and the rule of law;

— Co-ordination among intergovernmental organizations involved in endeavours relating to security sector reform.

2.1.2 General guidelines

With a view to ensuring policy coherence in matters related to security sector reform/governance and a harmonized approach to reform across the security sector, any reform should be consistent *mutatis mutandis* with such basic prerequisites as:

— Democratic legitimacy;

— Transparency (particularly in defence planning and budgeting processes);

— A clear-cut dividing line between internal and external security mechanisms, as well as between political and military leaders, without any "shadow" security structures;

— Accountability to civil oversight mechanisms and to the public (parliamentary and civil control of the military and of all security structures);

— Rule of law (impartial judiciaries, appropriate checks and balances between the legislative, executive and judicial branches of government, empowerment of civil society);

— Respect for human rights and fundamental freedoms;

— Professionalism and efficiency based on respect among the security forces and law enforcement officials for international humanitarian law and internationally accepted human rights standards, adherence to democratic principles, and technical proficiency of security forces to carry out core operational functions, including the legitimate use of force;

— Compliance of security sector actors with internationally recognized values and standards. Norms related to security sector reform currently reaffirm norms and principles of international security, as well as international human rights and humanitarian law, i.e., the basic values of democracy, security, the rule of law, development, etc.;

— Respect for the rights and duties of security sector actors (personnel of the armed forces, police and various law-enforcement bodies);

— Appropriate funding of the security sector (as a guarantee of functionality);

— National ownership of projects relating to security sector reform/governance.

2.1.3 Importance of security sector reform (SSR)

A functional security sector is generally characterized by professionalism; transparency of goals and activities; effective direction and management; and oversight by legally established constitutional civilian authorities (from the executive, legislative and judiciary), with effective participation by representatives of civil society. Since a dysfunctional security sector generates serious impediments to stability and peace, rule of law and sustainable development, security sector reform constitutes a concern of world-wide scope, especially for States in transition (from war to peace or from authoritarian rule to democracy), post-conflict countries, developing countries and even countries with mature democratic regimes.

Being directly linked to the capacity of the State to address threats affecting its security and to ensure the personal safety of its citizens, such reform represents a key component of the human security agenda.

Reflecting as it does the interlinkage of security with human rights and development, security sector reform is particularly relevant for conflict management, the protection of the rule of law and sustainable development.

Security sector reform may play an essential role at all stages of the conflict management cycle — early warning, conflict prevention and resolution, peace-making and peace-building and post-conflict rehabilitation.

First of all, it may potentially reduce the risk of armed violence in conflict-prone States.

Second, the constitution of an effective security sector (or its reconstruction) often emerges as an indispensable element in political reconciliation and conclusion of a final peace settlement within war-torn societies.

Third, security sector reform is an important element in strategies for building a sustainable peace in post-conflict settings, making it possible to prevent relapses into violent conflict; in addition, as a State with a dysfunctional security sector can constitute a destabilizing factor within its own region, security sector reform carried out at a regional level has the virtue of serving as a confidence-building measure.

An effective and truly democratic security sector provides an appropriate tool for protection of the rule of law and the prevention and combating of transnational security risks and threats such as terrorism, organized crime, trafficking of human beings, weapons, drugs, etc. In any event, a dysfunctional security sector not only hampers democratic developments, but can actually derail democracy.

It is today widely agreed that no sustainable development can be achieved without an effective State able to deliver core human security services to its own population.

2.2 Normative level

All the main intergovernmental institutions of the Euro-Atlantic area are currently active in security sector reform issues at both the normative and the operational levels.

At the normative level, the OSCE played a pioneering role through the adoption of the Code of Conduct on Politico-Military Aspects of Security (1994). The Euro-Atlantic partner organizations progressively followed suit:

OECD

The OECD's agenda on security sector reform focuses on developing and transition countries and is developed by its Development Assistance Committee (DAC). The OECD believes that a functional security sector is a precondition for effective conflict prevention, poverty reduction and development. The OECD uses the term "security system reform" to refer to the whole system of actors working on security-related issues, avoiding any misconception that it concerns only armed forces ("security sector").

The OECD defines security system reform as "the transformation of the 'security system' — which includes all the actors, their roles, responsibilities and actions — working together to manage and operate the system in a manner that is more consistent with democratic norms and sound principles of good governance, and thus contributes to a well-functioning security framework".

The OECD Development Assistance Committee (DAC) has been working on the development of the concept of security system reform since the late 1990s. In 1997, it carried out a review of the approaches taken by the members of the DAC to dealing with military issues, which linked a number of security issues to development concerns. The DAC then developed a conceptual framework for security assistance, entitled "Security Issues and Development Co-operation: A Conceptual Framework for Enhancing Policy Coherence." This subsequently led to the incorporation of key security concepts into the document "DAC Guidelines: Helping Prevent Violent Conflict, 2001". Security issues are also addressed in the "DAC Guidelines: Poverty Reduction, 2001".

In 2004, the DAC approved a key document related to security system reform, entitled "Security System Reform and Governance: Policy and Good Practice. DAC Guidelines". This document advances a holistic (whole-of-government) approach to security system reform and emphasizes the nexus between security and development. It is worth noting that OECD refers to security "system" rather than "sector". The guidelines constitute the only internationally agreed document on security system reform to date. In 2005, the OECD commissioned a new study, entitled "Implementation Framework for Security System Reform (IF-SSR)". The study develops implementation steps for each security sector component based on several case studies and best practice. In 2007, the DAC produced the "2007 Handbook on Security System Reform: Supporting Security Justice".

The European Union

In October 2005, the Council of the European Union adopted a "Concept for European Security and Defence Policy Support to Security Sector Reform". The EU Commission also produced a "Concept for European Community Support for Security Sector Reform" (May 2006). The two documents were bridged by an overarching "Policy Framework for Security Sector Reform" in the form of conclusions adopted by the European Council (General Affairs) on 12 June 2006. The EU is seeking to actively implement UN Security Council resolutions 1325 (2000) (women, peace and security) and 1612 (2005) (children and armed conflict) in its security system reform policy: All European security and defence policy missions include gender and human rights experts.

To be complete, mention should also be made of the Stability Pact for South Eastern Europe. The latter's Working Table III addresses topics related to security system reform, i.e., organized crime and corruption, migration and integrated border management, SALW and defence conversion.

NATO

The 1994 Framework Document of the Partnership for Peace committed the subscribing States to exchange information on steps to promote transparency in defence planning and budgeting, and to ensure the democratic control of armed forces. A few years later, the Working Programme of the Partnership for Peace for 2000–2001 gave salience to the "democratic control of forces and defence structures", which became specifically one of the current activities. The 2004 Partnership Action Plan on Defence Institution Building (PAP-DIB) led NATO to focus on issues such as capacity-building in the defence sector from the perspective of personnel management and budgeting and the possibility of offering technical assistance.

Council of Europe

As from the 1990s, the Parliamentary Assembly of the Council of Europe adopted several texts on the human rights of the professional staff of armed forces (Resolution 1166 of 22 September 1998 on human rights of conscripts, Resolution 903 of 30 June 1988 and Recommendation 1572 of 3 September 2002), control of internal security services (Recommendation 1402 of 26 April 1999) and democratic oversight of the security sector (Recommendation 1713 of 23 June 2005).

All those norms, whether those of a politically-binding nature produced by the OSCE or those issued by other organizations in the form of programmes of action, guidelines, best practices, etc., pertain to the category of soft law. No legally binding norms currently exist as regards security sector reform and security sector governance.

2.3 Operational level

The Euro-Atlantic organizations are currently involved in capacity-building projects within States in democratic transition, whether or not in a post-conflict setting (for the time being, no projects

concern well established democracies). The projects designed and implemented in the area mainly concern certain dimensions of security sector reform, namely:

— Reform and/or training of security forces;

— Reform and/or training of border and customs officials;

— Defence reform and support to the executive branch for planning, security policy development and management of institutions related to security sector reform;

— Parliamentary oversight of defence budgets;

— Justice reform.

Although aimed at supporting the security sector, these projects are rarely undertaken under the explicit label of security sector reform. More often than not, they are neither conceived from a cross-cutting perspective, nor implemented as part of a coherently oriented security sector reform agenda. The reason for that has to do with the general absence of a fully fledged security sector reform concept, except in the European Union, which developed a "policy framework" directly inspired from the OECD's approach and policy guidelines.

3. The OSCE's activities and norms concerning the security sector

Security sector reform/governance is a relevant issue for the OSCE, which considers that the security of States and that of their citizens are mutually reinforcing. Such issues clearly permeate all three OSCE's dimensional and cross-dimensional activities. Democratic conditions, good governance and the rule of law concern both the economic dimension and the human dimension. As far as the politico-military dimension is concerned, the functionality of the security sector is a decisive tool for confidence-building between States and for the success of peace-building activities: In the absence of good governance and the rule of law, there could be no effective transition to democracy and peaceful inter-State and intra-State relations. As the security sector is linked to effective government authority, strong democratic institutions based on the rule of law also contribute to the prevention and combating of transnational threats, risks and challenges such as organized crime, terrorism and illicit trafficking of all kinds. Consequently, strong democratic institutions based on the rule of law constitute a key element for the prevention of conflicts.

Over the years, the OSCE has adopted various documents that are directly relevant to the security sector. Among the most significant of them are the Helsinki Final Act (1975), the Charter of Paris for a New Europe (1990) and the Charter for European Security (1999), the Copenhagen and Moscow Documents on the Human Dimension (1990–1991), the Code of Conduct on Politico-Military Aspects of Security (1994), the Vienna Document on Confidence- and Security-Building Measures (1999), the Document on Small Arms and Light Weapons (2000), the OSCE Strategy to Address Threats to

Security and Stability in the Twenty-First Century (2003), the Bucharest Plan of Action for Combating Terrorism (2001) and the OSCE Border Security and Management Concept (2005).

The Organization has focused on various relevant aspects, such as the democratic control of armed forces, confidence- and security-building measures, border security and management, counter-terrorism, anti-trafficking, police training and reform, and the rule of law. At the same time, it is generally acknowledged that issues related to security sector governance underpin OSCE activities in all three dimensions of security and are of crucial importance for the consolidation of peace, stability, democracy and the market economy in the OSCE area.

3.1 Democratic control of armed forces

Security sector reform/governance is an evolving and unnegotiated concept and has the greatest potential for evolution. Its application is also subject to political constraints. Security sector reform takes a holistic approach in its understanding of the security sector and the actors that are involved in its oversight and monitoring. The OSCE Code of Conduct on Politico-Military Aspects of Security (1994, the Code), on the other hand, is less holistic than security sector reform; nevertheless, security sector reform/governance builds on the fundamentals of the Code and complements it.

The Code opened a new era in thinking about the relations between society and its various security forces. Politically binding in nature, the Code codified several inter-State and intra-State norms of behaviour, including a number of innovative provisions concerning the democratic control of armed forces.

The democratic control of armed forces represents an indispensable element of stability and security, while also being an important expression of democracy. In accordance with the Code (sections VII and VIII), the democratic control of armed forces requires:

— The primacy at all times of effective democratic constitutional civilian power over military power. This fundamental requirement (paragraph 21) is complemented by two other prescriptions: the political neutrality of armed forces (paragraph 23) and the prevention of "accidental or unauthorized use of military means" (paragraph 24);

— The transparency, publicity and restraint in defence and military expenditures (paragraph 22);

— The subjection of armed forces to the norms of international humanitarian law. This commits the participating States to promote at the national level (including within armed forces) a general knowledge of the obligations and commitments under international humanitarian law of war, as well as to incorporate these into their military training programmes and regulations (paragraph 29), to make sure that their armed forces personnel are individually responsible for actions at both the domestic and the international levels (paragraphs 30 and 31), and to ensure that armed forces are (both in peace and in war) commanded, manned, trained and equipped in ways that are consistent with the provisions of international humanitarian law (paragraph 34);

— The respect of the human rights and fundamental freedoms of the armed forces personnel. As service members are entitled to exercise their civil rights (paragraph 23) and to enjoy the standard human rights and fundamental freedoms embodied in OSCE documents and in international law (paragraph 32), the OSCE participating States are committed to reflect in legislative or other texts the rights and duties of armed forces personnel (paragraph 28), as well as to ensure the protection of these rights by means of legal and administrative procedures (paragraph 33). Furthermore, service personnel must be recruited and called up in a way consistent with their OSCE and other international human rights obligations and commitments, that is to say on the basis of equality of treatment and non-discrimination (paragraph 27);

— The consistency of defence policy and doctrine with international law related to the use of armed forces, including in armed conflict (paragraph 35);

— The democratic use of armed forces in the performance of internal security missions. Any decision to assign armed forces to internal security missions must be in conformity with constitutional procedures and provide that such missions will be performed under the effective control of constitutionally established authorities and subject to the rule of law, it being also understood that if recourse to force cannot be avoided, such use must be "commensurate with the needs for enforcement" and that the armed forces will take "due care to avoid injury to civilians" (paragraph 36). At the same time, the Code prohibits the use of force against "persons as individuals or as representatives of groups" — an expression wide enough to cover all individuals and groups living in the State, including persons belonging to a national minority and minority groups (paragraph 37).

Participating States report annually on their efforts to implement the Code of Conduct. The Forum for Security Co-operation (FSC) regularly assesses the implementation of the Code.

3.2 Confidence- and security-building measures

Security sector reform can give rise to confidence between States and has positive effects for CSBMs in various fields. In addition, confidence- and security-building measures facilitate the establishment of further security sector reform.

The OSCE has had long and successful experience of promoting transparency and trust among OSCE participating States through the establishment of agreements and documents on confidence- and security-building measures. One of the most important is the Vienna Document, which was adopted in its latest version in 1999.

The FSC has established a regular security dialogue to identify and analyse security threats and take co-ordinated action in response to them.

OSCE participating States recognize the destabilizing effect of the excessive accumulation and uncontrolled spread of small arms and light weapons, and have resolved to co-operate in addressing these problems in a comprehensive manner.

In concert with other international organizations, the OSCE is developing norms, principles and measures covering all aspects of the issue, including the manufacture, marking, tracing and storage of such weapons. Similarly, the OSCE offers assistance with the control or the elimination of surplus SALW and, at the request of a participating State, supports stockpile management and security programmes, training and confidential on-site assessments.

In this, the OSCE facilitates security sector reform by eliminating possible threats and challenges to international peace and security, while fostering transparency as well as confidence among participating States. In effectively addressing the problems arising from small arms and light weapons, the OSCE actively supports the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects.

3.3 Border management and security

The OSCE's interventions in the field of border management and security aim at promoting best practices of humane border management, co-operation between national border services (i.e., in the sharing of migration information) and institutional reforms (including professionalization and demilitarization of border services). Since 1998, the OSCE has been performing a number of projects in several participating States.

The OSCE constitutes an appropriate political framework for co-operation on border management, and its institutions can provide useful services to requesting participating States, in a spirit of solidarity and partnership, also reflecting mutual interest and respect,. At the OSCE, border issues are tackled through a cross-dimensional and inter-institutional approach. At the request of participating States, the OSCE provides advice and assistance in the reform of the training system for border services.

Sound border management has been of the utmost importance to the participating States, *inter alia*, for: coping with new security challenges posed by transnational terrorism and organized crime involving illegal cross-border movement of persons, resources and weapons, as well as trafficking issues; ensuring a dignified and humane treatment of all individuals wanting to cross borders, in conformity with relevant national legal frameworks and human rights, refugee and humanitarian law; meeting the need for conflict prevention in potentially fragile zones and post-conflict management for stabilization purposes.

The issue of border management received new impetus after the 9/11 terrorist attacks. At the Maastricht Ministerial Council meeting (2003), the participating States adopted a Strategy to Address Threats to Security and Stability in the Twenty-First Century, paragraph 35 of which acknowledged the need to address challenges arising from the interconnection between terrorism and organized crime through, *inter alia*, the elaboration of an OSCE Border Security and Management Concept.

The OSCE Border Security and Management Concept proceeds from the basic recognition that border security and management is a matter of national sovereignty (paragraph 1). Each participating State has the sovereign right to choose how to secure and manage its borders, taking into account relevant political, military, economic and social considerations (paragraph 8). At the same time, it commits participating States to promoting open and secure borders in a free, democratic and more integrated OSCE area without dividing lines (paragraph 1). As it is assumed that border services have the best knowledge of the issues at hand, cross-border dialogue, transparency and confidence-building constitute the first logical steps towards generating solutions with added value to the benefit of all (paragraph 7).

The Concept identifies four main areas of co-operation: exchange of information, experience and best practices; establishment of "points of contact" and national focal points; holding of workshops and conferences; contacts and interaction with other intergovernmental organizations (paragraph 13), in accordance with the Platform for Co-operative Security (paragraph 14).

As a roadmap for national policies and a political framework for border co-operation, the following principles are applied:

— To respect international human rights, refugee and humanitarian law (paragraph 2.1), as well as OSCE norms, principles, commitments and values (paragraph 2.2);

— To ensure consistency in policies and standards at the regional and subregional levels (paragraph 2.3);

— To encourage direct co-operation between border services and other competent national structures, especially in respect of issues of a regulatory nature raised by cross-border movements (paragraph 4), at the bilateral, regional and multilateral levels;

— To base co-operation on the principles of international law, mutual confidence, equal partnership, transparency and predictability, and friendly relations between States (paragraph 1), and good neighbourly relations (paragraph 2.4);

— To promote the free and secure lawful movement of persons, goods, services and investments across borders (paragraph 4.1);

— To reduce the threat of terrorism (paragraph 4.2);

— To prevent and repress transnational organized crime, illegal migration, corruption, smuggling and trafficking in weapons, drugs and human beings (paragraph 4.3);

— To promote high standards in border services and competent national structures (paragraph 4.4);

— To promote dignified treatment of all individuals wanting to cross borders, in conformity with relevant national legal frameworks; international law, in particular human rights, refugee, and humanitarian law; and relevant OSCE commitments (paragraph 4.5);

— To create beneficial conditions for social and economic development in border territories, as well as for the prosperity and cultural development of persons belonging to all communities residing in border areas (paragraph 4.6);

— To foster prospects for joint economic development and help in establishing common spaces of freedom, security and justice in the OSCE area (paragraph 4.7);

— To ensure the security of the international transport circuit for supply of commodities (paragraph 4.8);

— To promote the issue of good governance, which is central to security sector reform/governance, through a provision encouraging the promotion of "high standards in border services and competent national structures" (paragraph 4.4);

— To foster compliance with border-related security and management standards recognized by the participating States, as well as their improvement, *inter alia*, based on sharing of good practices (paragraph 3).

3.4 Activities and norms related to the police

Democratic and effective policing is *inter alia* essential for upholding the rule of law and defending democratic institutions, as well as for preventing conflict, preserving stability during political crises and supporting post-conflict rehabilitation.

The greater inter-State co-operation in police-related activities can contribute to addressing new risks and challenges posed by transnational terrorism and organized crime, international terrorism, violent extremism, trafficking in drugs, arms and other forms as well as an excessive and destabilizing accumulation and an uncontrolled spread of small arms and light weapons.

The OSCE participating States realized the importance of monitoring local police activities in the framework of conflict management, in particular at the stage of post-conflict rehabilitation. Thus, in 1999, through paragraph 44 of the Istanbul Charter for European Security, the OSCE participating States decided to involve the OSCE in civilian police monitoring, police training (including for anti-trafficking purposes), community policing, the formation of multi-ethnic police, etc. They also acknowledged that the development of democratic and professional police forces could not take place in the absence of political and legal frameworks within which the police can perform their tasks in accordance with democratic principles and the rule of law — that is to say independent judicial systems able to provide remedies for human rights violations as well as advice and assistance for prison system reforms (paragraph 45). Subsequently, the Ninth Meeting of the Ministerial Council (Bucharest, 2001) decided to strengthen the capacities of the OSCE to provide technical assistance on

police matters to its participating States at their request. It also recommended the holding of regular meetings of police experts from national agencies and specialized universal and regional organizations (the first such meeting took place in Vienna in 2003). Finally, it tasked the Permanent Council with annually reviewing OSCE police-related activities on the basis of a special report to be submitted annually by the Secretary General.

By the end of 2002, a Strategic Police Matters Unit (SPMU) was established in the OSCE Secretariat. Headed by a Senior Police Adviser, the SPMU responds to requests from participating States for assessments of policing needs and planning. Its handful of experts are active in several field missions. Other institutions have also been active in that field: on the one hand, the High Commissioner on National Minorities (HCNM), in the form of a project on multi-ethnic policing in Kyrgyzstan launched in 2005; on the other hand, the Office for Democratic Institutions and Human Rights (ODIHR), which, through its Tolerance and Non-discrimination Programme, has conducted training events on combating hate crimes in Croatia, Hungary and Spain. The main OSCE Police Assistance Programme have taken place in the Caucasus (Armenia, Azerbaijan and Georgia), all the Central Asian republics except Turkmenistan, and South Eastern Europe (the former Yugoslav Republic of Macedonia, Croatia, Kosovo, Serbia, and Montenegro). They include police education and training, community policing and administrative and structural reforms.

In the field of police-related assistance, the OSCE now possesses a remarkable experience. Lessons learned and best practices are stored and accessible through the multilingual Policing OnLine Information System (POLIS), which offers a policing experts database, a digital library of policing resources, and an on-line donor co-ordination mechanism for international police assistance.

The SPMU's Guidebook on Democratic Policing (2006)

Issued under the authorship of the Senior Police Adviser to the OSCE Secretary General, the Guidebook offers a systematic and standardized compendium of the various and numerous existing standards, good principles and lessons learned in the field of police-related activities. The Guidebook addresses five sets of issues:

— Key principles of democratic policing, with special emphasis on the notion of public service and democratic objectives;

— Respect of the rule of law (definition of the role of the police and the functional interrelationships with the criminal justice sector);

— Ethics and human rights (corruption issues; discrimination issues; police investigations; support of victims and witnesses of crime; arrest and detention; maintenance of public order and safeguarding of democratic freedoms; use of force; cruel or degrading treatments);

— Accountability and transparency (oversight institutions; police-public partnership, including the media; community-based policing through outreach with minority communities and co-operation with civil society groups);

— Organizational and managerial issues (chain of command and operational autonomy; supervision; composition of the police; rights of police personnel; provision of adequate equipment and training).

In sum, the Guidebook defines the objectives of a democratic police, confirms the obligations arising out of the latter's commitment to the rule of law, stresses the role of ethics and human rights in police activities, articulates the basic requirements of accountability and transparency and, finally, addresses the practical resources necessary for democratic policing.

The HCNM's recommendations on policing in multi-ethnic societies (2006)

Framed in consultation with the SPMU, these recommendations address the sensible correlation between policing and inter-ethnic relations across the OSCE region — an issue acknowledged in the Istanbul Charter for European Security and subsequent Ministerial Council decisions. The recommendations are also in line with a commitment by the participating States, enshrined in paragraph 35 of the Copenhagen Document, to ensure "the right of persons belonging to national minorities to effective participation in public affairs". They represent a welcome complement to the SPMU's Guidebook, which, in Section IV.2, did include a brief item on "outreach to minority communities".

Like all the previous thematic guidelines issued by the HCNM, the 2006 recommendations aim to serve the ultimate goal of the HCNM: prevention of ethnic conflicts. Their main thrust is that good policing in multi-ethnic societies requires basic confidence, regular communication and practical co-operation between the police and minority groups. The document comprises 23 recommendations (with an accompanying explanatory note dealing with each of them), on the following key issues:

— Recruitment and representation;

— Training and professional development;

— Engagement with ethnic communities;

— Operational practices; and

— Prevention and management of conflict.

Recommendations specific to each category are to be interpreted in accordance with the three "General Principles" encouraging the participating States to develop relevant policies and laws.

3.5 Governance based on rule of law

Given that good governance is closely linked to democratic control and oversight, the rule of law and respect for human rights, the core values of the human dimension, are the same as those required by any significant security sector reform/governance.

Practical activities aimed at promotion of the rule of law (which underpins the OSCE's human dimension projects) are undertaken by the OSCE PA, ODIHR, the Representative on Freedom of the Media, the HCNM, the SPMU and the Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings. Furthermore, the strengthening and/or creation of democratic institutions based on the rule of law is a common denominator among practically all of the OSCE field missions, whether established for conflict management purposes or for capacity-building in non-conflictual settings.

Admittedly, a large number of services delivered by the OSCE under the label of the rule of law concern the improvement of specific areas of the security sector. The following issues are of particular importance for security sector reform/governance: reform of the judiciary, reform of electoral legislation, media reform, national strategy against trafficking in human beings, promotion of gender equality and anti-corruption measures.

The concept of the rule of law is broadly defined in the Copenhagen Document of the Meeting of the Conference on the Human Dimension of the CSCE (1990). In accordance with paragraph 2, "the rule of law does not mean ... a formal legality which assures regularity and consistency in the achievement and enforcement of democratic order, but justice based on the recognition and full acceptance of the supreme value of the human personality and guaranteed by institutions providing a framework for its fullest expression". From that premise, it enumerates the basic rules that a true democratic society must respect:

— Pluralism with regard to political organizations (paragraph 3);

— Free elections held at reasonable intervals by secret ballot or by an equivalent free voting procedure (paragraph 5.1 and 6);

— Representative form of government in which the executive is accountable to the elected legislature or the electorate (paragraph 5.2);

— Compliance by the government and public authorities with the Constitution (paragraph 5.3);

— A clear separation between the State and political parties (paragraph 5.4);

— Activity of the government and the administration, as well as the judiciary, in accordance with the system established by law (paragraph 5.5);

— Military forces and the police under the control of, and accountable to, the civil authorities (paragraph 5.6);

— Human rights and fundamental freedoms guaranteed by law and in accordance with the obligations of international law (paragraph 5.7);

— Adoption of legislation by means of a public procedure, and its accessibility to everyone (paragraph 5.8);

— Equality and protection of all persons before the law, without any discrimination (paragraph 5.9);

— Effective means of redress against administrative decisions (paragraphs 5.10 and 5.11);

— Independence of judges and of legal practitioners, and impartial operation of the public judicial service (paragraphs 5.12 and 5.13);

— Right of any person arrested or detained on a criminal charge to be brought promptly before a judge and to be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law (paragraphs 5.14 to 5.17);

— No charge, trial or criminal conviction in respect of any criminal offence unless the offence is provided for by a law which defines the elements of the offence with clarity and precision (paragraph 5.18);

— Everyone to be presumed innocent until proven guilty according to law (paragraph 5.19).

Subsequent texts, such as the 1990 Charter of Paris for a New Europe (section on "Human Rights, Democracy and Rule of Law"), the 1991 Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE (paragraphs 18 to 22) and the Budapest Document 1994 of the CSCE Summit (Chapter VIII, paragraph 18) reaffirmed some of these principles with more or less nuance. However, it is notable that the Charter for European Security adopted at the Istanbul Summit of the OSCE in 1999 introduced a new element: the fight against corruption (paragraph 33).

The OSCE norms concerning the rule of law are enshrined in those basic documents, and are also developed in a number of specific decisions adopted by the Ministerial Council. Although not constituting norms, in the strict sense of the term, the recommendations contained in the consolidated summaries of the Human Dimension Implementation Meetings, Supplementary Human Dimension Meetings and Human Dimension Seminars provide some indication of the views of the majority of the participating States.

Under the rule law, in particular in the context of security sector reform, we should also consider the functioning of criminal justice systems. The Fourteenth Meeting of the Ministerial Council in

Brussels adopted a decision (MC.DEC/5/06) and a declaration (MC.DOC/4/06) on this subject. In terms of practical implementation, mention should be made of the UNODC/OSCE Criminal Justice Assessment Toolkit.

The ultimate, but implicit, aim of the OSCE's human dimension activities is good governance. The OSCE began to make current reference to the concept in 2001, in Decision No. 1 on combating terrorism, adopted by the Ninth Meeting of the Ministerial Council in Bucharest: one of the goals of the Action Plan annexed to the Decision refers to the economic and environmental issues that undermine security, namely "poor governance", in parallel with corruption, illegal economic activity, unsustainable use of natural resources, etc. (paragraph 13).

In the Strategy to Address Threats to Security and Stability in the Twenty-First Century (2003), the participating States confirmed that "Weak governance, and a failure by States to secure adequate and functioning democratic institutions that can promote stability, may in themselves constitute a breeding ground for a range of threats" (paragraph 4). The Strategy Document for the Economic and Environmental Dimension (Maastricht, 2003) stated that "Good governance at all levels contributes to prosperity, stability and security" (paragraph 2.2.1) and, hence, is of critical importance for all the participating States. As a consequence, the participating States agreed "to work on a national basis, with the support of relevant international institutions, to strengthen good governance in all its aspects and to develop methods of co-operation to assist each other in achieving it" (paragraph 2.2.2). Despite all this, there is as yet no OSCE global approach to good governance, or even any semblance of general norms of good governance.

4. Conclusions

1. Security sector reform/governance, as an essential element of a long-term peace-building process, is an important confidence- and security-building measure.

2. The CSCE/OSCE has accumulated over 30 years of experience with a holistic and cross-dimensional approach to security and extensive practical measures in security sector reform/governance, in particular in relation to activities such as democratic control of armed forces, border security and management, counter-terrorism, anti-trafficking, police training and reform, anti-corruption, electoral legislation and judiciary reform and the rule of law.

3. The OSCE has accumulated an impressive knowledge and experience in many areas of security sector reform/governance. While its approach to security is global and cross-dimensional, it addresses issues related to the security sector in a piecemeal manner.

4. The OSCE offers a forum for political negotiations and decision-making in the field of early warning, conflict prevention and resolution, crisis management and post-conflict rehabilitation, and has been active in the field of security sector reform/governance over the whole range of its activities and norms, through its network of field missions, which assist in the creation of viable democratic institutions and extend support for military, justice and police reforms.

5. The OSCE, like the other Euro-Atlantic organizations, addresses issues of security sector reform at both the operational and the normative levels.

6. In one way or another, the Organization's operational assistance projects currently target core security actors (armed forces and law-enforcement agencies), civil management and oversight bodies, and non-statutory civil society groups, in other words, all the major actors in the security sector.

7. Given their cross-cutting nature, the assistance projects involve a contribution from most of the OSCE's institutions and tools.

8. Assistance provided by the OSCE to governments includes training, institutional reform and capacity-building, as well as advice and support to civil society organizations.

9. Characterized by sheer pragmatism, OSCE assistance projects are conducted on a case-by-case basis without an overall design. They target some of the component areas of the security sector.

10. The OSCE can claim more operational achievements than normative achievements. The piecemeal approach used at the operational level also prevails at the normative level.

11. Democratic governance of the security sector underpins OSCE activities in all three dimensions of security, while also constituting an essential element of conflict management, especially at the level of peace-building.

12. The OSCE's contribution to the UN-led efforts towards developing an integrated approach to security sector reform further strengthens the OSCE's role as a regional organization under Chapter VIII of the UN Charter.

13. It might in the future be relevant for the OSCE to reflect its best practices and formal norms in a single text reaffirming its basic values, principles, commitments and standards, and recognizing the interlinkages among all the components of security sector reform/governance. Such a step would make it possible to address not only direct security sector concerns, but also germane issues related to the security sector, such as all forms of trafficking, terrorism, organized crime and corruption, as well as socio-economic and environmental threats and challenges.